



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
Public Information Office
(415) 865-7740

Lynn Holton, Public Information Officer

Release Date: December 1, 2003

Release Number: S.C. 49/03

SUMMARY OF CASES ACCEPTED DURING WEEK OF NOVEMBER 24, 2003

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#03-143 People v. Salazar, S119066. (B117225, B137034; 110 Cal.App.4th 1616, mod. 111 Cal.App.4th 990a; Los Angeles County Superior Court; LA025781.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus, vacated a judgment of conviction of criminal offenses, and dismissed an appeal as moot. This case includes the following issue: Did the prosecution commit prejudicial error by failing to alert defense counsel that the coroner who testified at defendant's trial changed his opinion on the time or cause of death in subsequent "shaken baby" cases?

#03-144 People v. Vo, S119234. (C034960; Sacramento County Superior Court; 111 Cal.App.4th 321; 98F03454.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Lopez, S119294 (#03-136), which presents the following issue: Is a defendant who is convicted of first degree murder with a finding that the crime was committed for the benefit of a criminal street gang within the meaning of Penal Code section 186.22 subject to an enhancement of 10 years under section 186.22(b)(1)(C) or instead to a minimum parole eligibility term of 15 years under section 186.22(b)(5), which applies where the defendant is convicted of "a felony punishable by imprisonment in the state prison for life"?

DISPOSITIONS

#02-168 People v. Wollschlager, S109223, was dismissed and remanded to the Court of Appeal.

#